

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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John Hockenjos, Jr. and Irina Paramonova,

Plaintiffs,

**NOTICE OF MOTION TO  
DISMISS**

-against-

13 CV 0027 (WFK)(SMG)

The City of New York, Police Officer Diego Palacios,  
Sergeant Victor Pal, Police Officer Trham Brathwaite,  
Police Officer John Foley, Police Officer Osvildo Marcillo,  
Police Officer Angelica Amaya, Police Officer Yevgeniy  
Bushuyev, Police Commissioner Raymond W. Kelly,  
Deputy Inspector Georgios Mastrokostas, and various  
John/Jane Does, Individually and in their official capacities  
as employees of the City of New York who are/were  
members of the Police Department of the City of New  
York,

Defendants.  
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**PLEASE TAKE NOTICE** that, upon the Declaration of Melissa Wachs, dated July 9, 2013, and the exhibits annexed thereto, the memorandum of law dated July 9, 2013, and upon all prior pleadings and proceedings herein, defendant City of New York will move this Court before the Honorable William F. Kuntz, II, United States District Judge, at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, at a date and time to be determined by the Court, for an order on the pleadings as to plaintiffs' Monell claim pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and for an order on the pleadings pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the complaint against Police Commissioner Raymond W. Kelly and Deputy Inspector Georgios Mastrokostas and for such other and further relief as this Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Order of the Honorable William F. Kuntz, II, dated June 10, 2013, Plaintiff's opposition papers, if any, should be served and filed no later than August 9, 2013; and

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Order of the Honorable William F. Kuntz, II, dated June 10, 2013, Defendant's reply papers, if any, shall be served and filed no later than August 23, 2013.

Dated: New York, New York  
July 9, 2013

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendant City of New York*  
100 Church Street  
New York, New York 10007  
(212) 356-2424

By: 

Melissa Wachs  
*Assistant Corporation Counsel*  
*Special Federal Litigation*

To: John F. Schutty, Esq. (By First Class Mail)  
*Attorney for Plaintiffs*

Index Number: 13 CV 0027 (WFK)(SMG)

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The City of New York, Police Officer Diego Palacios, Sergeant Victor Pal, Police Officer Trham Brathwaite, Police Officer John Foley, Police Officer Osvaldo Marcillo, Police Officer Angelica Amaya, Police Officer Yevgeniy Bushuyev, Police Commissioner Raymond W. Kelly, Deputy Inspector Georgios Mastrokostas, and various John/Jane Does, Individually and in their official capacities as employees of the City of New York who are/were members of the Police Department of the City of New York,

Defendants.

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**MICHAEL A. CARDOZO**  
*Corporation Counsel of the City of New York*  
*Attorney for Defendants*  
*100 Church Street*  
*New York, New York 10007*

*Of Counsel: Melissa Wachs*  
*Tel: (212) 356-2424*

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*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2013*

*..... Esq.*

*Attorney for.....*

### DECLARATION OF SERVICE

I, Melissa Wachs, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on July 9, 2013, I served a copy of City of New York's Notice of Motion, Declaration of Melissa Wachs in Support of Defendants' Motion to Dismiss upon John F. Schutty, Esq. in the matter of John Hockenjos, et al. v. City of New York, et al., 13 CV 0027 (WFK)(SMG), by depositing a copy of same, enclosed in a first class, postpaid properly addressed wrapper in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to attorney for plaintiffs at the address set forth below:

John F. Schutty, Esq.  
445 Park Avenue, 9<sup>th</sup> Floor  
New York, NY 10022

Dated: New York, New York  
August 23, 2013



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MELISSA WACHS